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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/524,804 03/14/2000 Mark E. Tuttle MI40-285 7812

21567 7590 06/19/2002

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1. RF ID with
claim 53, 82
2. Amend 50 to
include disc 53
102(c) instead of
102(e)
- 3.

Office Action Summary

Application No.

09/524,804

Applicant(s)

TUTTLE, MARK E.

Examiner

Matsuichiro Shimizu

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2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Remark

The terminal disclaimer filed on 3/26/2002 disclaiming the terminal portion of any patent granted on this application, has been reviewed and is accepted, and has been recorded.

Response to Amendment

The examiner acknowledges new claims 83-98.

89-110

Response to Arguments

1 Applicant's arguments with respect to claims 59 and 76 and 87-88, 95-96 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument (line 13, page 19 to line 15, page 20), Neustein discloses at least one side surface and the at least one side surface has visibly perceptible information thereon (col. 5, lines 35-38, indicia of identification information).

Similarly, regarding applicant's argument (line 18, page 22 to line 2, page 23), Neustein discloses a battery coupled with the communication circuitry (col. 5, lines 39-68, thin flat battery within the card) and Wood discloses the communication circuitry is configured to implement backscatter communications (col. 8, lines 26-56, backscatter communication).

2 Applicant's arguments filed on 4/3/2002 have been fully considered but they are not persuasive.

Regarding applicant's argument (line 21, page 17 to line 2, page 18; lines 6-17, page 21), the examiner maintains that: Lebbby teaches encapsulant configured to encapsulate and contact at least a portion of the communication circuitry (Figs. 1-2, col. 3, lines 13-27, credit card pager which is encapsulated, and contacting communication circuitry or inner components of credit card pager (10)).

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Regarding applicant's argument (lines 14-21, page 18; line 18, page 21 to line 5, page 22), the examiner maintains that: Lebby teaches encapsulant configured to encapsulate the communication circuitry (Figs. 1-2, credit card pager which is encapsulated). That is, Lebby teaches additional feature of rugged structure of the encapsulated housing of 1mm thickness (Fig. 1), and Lebby and Neustein are analogous art of credit card pager to be combinable under 103 rejections.

Regarding applicant's argument (line 19, page 20 to line 5, page 21), the examiner maintains that: Neustein discloses RFID device circuitry (Fig. 2, col. 6, lines 1-19, analogous to the pager receiver circuitry whereby identification is selectively provided by audio means).

Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 82, 50, 53, 66, 70, 84, 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Odagiri et al. (5,801,466).

Regarding claim 82, a method of forming a radio frequency identification device comprising: providing radio frequency identification device circuitry configured to communicate wireless signals (col. 1, lines 13-18, pagers, portable telephone; col. 3, lines 18-42, selective transmission/reception of radio wave-terminal with a given identification code or selective code associated with the terminal or pager); coupling a power source with the radio frequency identification device circuitry (Fig. 3, col. 6, lines 41-51, electric power is coupled to the circuit

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board (19)); coupling an antenna with the rfid device (Fig. 1A-B, antenna (13)); providing a housing (Fig. 1A-B); and providing visibly perceptible indicia on the at least one side surface (Fig. 1B, note indicia on the side; R/VOL and MUTE).

All subject matters in claims 50, 53, 66 and 70 are disclosed in claim 82, and therefore, rejections of the subject matters expressed in claims 50, 53, 66 and 70 are met by references and associated arguments applied to rejections of claim 82.

Regarding claim 84, 92, Odagiri continues, as disclosed in claim 50, 66, to disclose a battery coupled with the communication circuitry (col. 6, lines 41-51, power source enough to run motor within wireless environment).

Claim Rejections - 35 USC § 103

Claims 51-52, 67-69, 71-75, 94 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Odagiri in view of Lebby et al. (5,493,437).

Regarding claims 51-52 and 67-69, Odagiri continues, as disclosed in claims 50 and 66, to disclose a housing containing a printed circuit board associated with communication circuitry. But Odagiri does not disclose the housing comprises an encapsulant which contacts the communication circuitry and one surface has a dimension less than about 100 mills.

However, Lebby discloses, in the art of credit card pager, the housing comprises an encapsulant which contacts the communication circuitry (col. 3, lines 13-26, encapsulating the inner component of pager) and one surface has a dimension less than about 100 mills (Fig. 1, casing thickness of 1 MM) to provide smaller and ruggedized structure. Therefore, it would have been obvious to a person at the time of invention to include the housing comprises an encapsulant which contacts the communication circuitry and one surface has a dimension less

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than about 100 mills in the device of Odagiri as evidenced by Lebby because Odagiri suggests a housing containing a printed circuit board associated with communication circuitry and Lebby teaches the housing comprises an encapsulant which contacts the communication circuitry and one surface has a dimension less than about 100 mills to provide smaller and ruggedized structure.

All subject matters in claims 71-75 are disclosed in claims 66-70, and therefore, rejections of the subject matters expressed in claims 71-75 are met by references and associated arguments applied to rejections of claims 66-70.

Regarding claim 94, Odagiri continues, as disclosed in claim 71, to disclose a battery coupled with the communication circuitry (col. 6, lines 41-51, power source enough to run motor within wireless environment).

Claims 83, 91, 93 are rejected under 35 U.S.C. 103 ~~(a)~~ as being unpatentable over Odagiri in view of Wood, Jr. (6,104,333).

Regarding claims 83, 91, 93, Odagiri continues, as disclosed in claims 50, 66, 71 to disclose the communication circuitry is pager receiver. But Odagiri does not disclose the communication circuitry is configured to implement backscatter communications.

However, Wood discloses, in the art of credit card pager system, the communication circuitry is configured to implement backscatter communications (col. 8, lines 26-56, backscatter communication) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Odagiri as evidenced by Wood because Odagiri suggests the communication circuitry is pager receiver and Wood teaches

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the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Claims 54-65, 76-81, 86, 88, 90, 96, 98 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Neustein (5,192,947) in view of Lebby et al. (5,493,437).

Regarding claims 59 and 76, Neustein discloses a wireless communication device (col. 1, lines 65-68, credit card pager) comprising: communication circuitry (Fig. 2, col. 4, lines 43-45, pager receiver) with indicia there on (16; Fig. 1; col. 5, lines 5-10 and 35-38). But Neustein does not disclose an encapsulant configured to encapsulate and contact at least a portion of the communication circuitry, wherein the encapsulant defines at least one side surface and the at least one side surface has visibly perceptible information thereon (col. 5, lines 35-38, indicia of identification information).

However, Lebby discloses, in the art of credit card pager, encapsulation of communication circuitry (col. 3, lines 13-26, encapsulating the inner component of pager) molded in the form of credit card pager in order to provide ruggedized structure. Therefore, it would have been obvious to a person at the time of invention to include encapsulation of communication circuitry in the device of Neustein as evidenced by Lebby because Neustein suggests molding the circuit to give appearance of regular credit cards and Lebby teaches encapsulation of communication circuitry molded in the form of credit card pager in order to provide ruggedized structure.

Regarding claims 60 and 77, Neustein discloses the encapslant has a dimension less than about 100 mils (Fig. 1a, col. 4, lines 66-68, one-tenth of an inch or 100 mils).

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Regarding claims 61 and 78, Neustein discloses RFID device circuitry (Abstract, lines 1-19; Fig. 2, col. 6, lines 1-19, analogous to the pager receiver whereby identification is selectively provided by audio means).

All subject matters in claims 54-58, 62-64, 65 and 79-81 are disclosed in claim 59-61, and therefore, rejections of the subject matters expressed in claims 54-58, 62-64, 65 and 79-81 are met by references and associated arguments applied to rejections of claims 59-61.

Regarding claims 86, 88, 90, 96, 98 Neustein continues, as disclosed in claims 54, 59, 62, 76, 79 to disclose a battery coupled with the communication circuitry (col. 5, lines 39-68, thin flat battery within the card).

4 Claims 85, 87, 89, 95, 97 are rejected under 35 U.S.C. 103(e) as being unpatentable over Neustein in view of Lebby as applied to claims 59, 76 above, and further in view of Wood, Jr. (6,104,333).

Regarding claims 85, 87, 89, 95, 97 Neustein in view of Lebby continues, as disclosed in claims 54, 59, 62, 76, 79 to disclose the communication circuitry is pager receiver. But Neustein in view of Lebby does not disclose the communication circuitry is configured to implement backscatter communications.

However, Wood discloses, in the art of credit card pager system, the communication circuitry is configured to implement backscatter communications (col. 8, lines 26-56, backscatter communication) to better comply the FCC regulatory requirement. Therefore, it would have been obvious to a person at the time of invention to include the communication circuitry is configured to implement backscatter communications in the device of Neustein in view of Lebby as evidenced by Wood because Neustein in view of Lebby suggests the communication circuitry

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is pager receiver and Wood teaches the communication circuitry is configured to implement backscatter communications to better comply the FCC regulatory requirement.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

June 14, 2002



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